

REMARKS

Prior to entry of this amendment, claims 1-24 are pending in the present application.

Claim 1 has been amended. Claim 17 has been canceled. Claims 1, 5 and 18 are independent.

Applicants appreciate the Examiner's consideration of the Information Disclosure Statement (IDS) filed March 3, 2005.

Claims 1-16 and 18-24 are presented to the Examiner for further consideration on the merits.

A. Asserted Obviousness Rejection of Claims 1-3, 18 and 19

In the Office action dated September 29, 2005, the Examiner rejected claims 1-3, 18 and 19 under 35 U.S.C. §103(b) as being unpatentable over U.S. Patent No. 5,973,823 to Koops et al. ("the Koops et al. reference") in view of U.S. Patent No. 6,940,577 to Kozhukh ("the Kozhukh reference"). Claim 1 has been amended to incorporate the limitations of claim 17, indicated as containing allowable subject matter therein. Claims 2 and 3 depend from claim 1, and are similarly believed to be allowable. The rejection of claims 18 and 19 is respectfully traversed for at least the reasons set forth below.

Claim 18 recites, in part, "forming a first transparent electrode on an optical input surface." In contrast, in the Koops et al. reference, light passes through the photonic crystal along a path parallel with the electrodes 8, i.e., does not pass through the electrodes 8. While the Kozhukh reference may disclose transparent electrodes generally, it is respectfully submitted that the combination of the Koops et al. reference with the Kozhukh reference would teach, at most, providing transparent electrodes on surfaces between which light passes, not on a surface through which the light passes, as recited in claim 18.

Therefore, it is respectfully submitted that neither the Koops et al. reference nor the Kozhukh reference, either alone or in combination, disclose or suggest the present invention

as recited in claim 18. Claim 19 depends from claim 18, and is similarly believed to be allowable. Therefore, it is respectfully requested that this rejection be withdrawn.

B. Allowable Subject Matter

The indication that claims 4, 12-17 and 20-24 contain allowable subject matter and the claims 1-5 were allowed is gratefully acknowledged. However, it is respectfully submitted that all of the claims are in condition for allowance for at least the reasons set forth above.

C. Conclusion

Since the cited prior art references neither anticipate nor render obvious the subject invention as presently claimed, applicants respectfully submit that claims 1-16 and 18-24 are now in condition for allowance, and a notice to that effect is respectfully requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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Date: December 28, 2005


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.